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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Testimony for Public Hearing  
"Overcoming Obstacles to Telephone Service  
to Indians on Reservations"  
Federal Communications Commission  
Indian Pueblo Cultural Center  
Albuquerque, New Mexico

Submitted by: Eagle Rael, Governor  
Pueblo of Picuris  
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### Introduction

I thank you for the invitation to testify. I am honored to speak in the presence of Chairman Kennard, Commissioner Tristani, Congressman Udall, Congresswoman Wilson and other distinguished guests, who have traveled a long distance for this hearing. I pray for your safe passage until you again return to your homes.

It's good you invited me here to talk with you in person, as I can't get phone service at home and it can be hard to reach me at work. The four lines to our Tribal Administration Building - which houses 24 employees - are often all in use. Four hundred years ago, Picuris was the last of the Pueblo tribes to be "discovered" by the Spanish. In our small isolated valley, 7,200' altitude in Northern New Mexico, I wonder if we'll also be the last Pueblo to get full phone service today.

### Residential Phone Service

There are a limited number of phone lines to the Picuris tribal village. All of them are presently in use. My home is in our historic area, right next to an underground kiva (traditional ceremonial chamber). Even if a line became available, we'd be reluctant to excavate there. I'd like to get cellular service, but there's no coverage in our mountain valley.

Half the Tribal Council are without residential phone service. This is a fair approximation of our overall situation - only 1/3 of the private residences have phone service. Considering the "doubled-up" families waiting for new housing construction, the penetration rate drops to 1/4. It's even lower for senior citizens.

The previous governor's mother is a respected elder of our tribe. She is "at risk" due to serious health problems, and has been wait-listed for phone hook-up for over six months now. A new family with a small infant can't get a line. Several other households would order service today if it were available. Not all our volunteer firefighters have phones. This year, we'll break ground on construction of 16 new homes. As it now stands, telephone service will not be an option for the families who take up residence in them.

### Cellular Service

One tribal member has a mobile cellular phone. He can only use it outside the area. To use it at home, he has to go over 1,000' up into the mountains. Due to ice, snow and mud, this option is only viable during limited times of the year — and is, in general, not particularly practical.

### Tribal Administration

Tribal programs experience shortages similar to residential phone service. Before my term is over in two years, I'd like to add Internet access to the Tribal Governor's office for the first time. But there are currently no phone lines available for that purpose. Perhaps one result of today's hearing will be to move that vision closer to reality.

### Public Safety and the Tribal Police Department

When a line became available in 1997, the previous Governor spent a whole morning in meetings to decide between a second line for the Police, or the first for the Tribal Library for Internet access. The pressing needs of public safety prevailed, and the educational needs our children remain on hold to this day. Both voice lines to the Police Department are often in use. We do not know how many emergency calls fail to get through for this reason. The Tribal Police still need a dedicated line to connect to the National Crime Information Center (NCIC). Then they could check traffic stops for outstanding warrants. All Police Department calls to cooperating agencies are long distance. In 1998, the Picuris Tribal Police spent over \$5,000 on telephone service.

### Health Services

Picuris is served by a health clinic in Taos, over 30 miles and a long distance call away. Picuris Community Health Representative (CHR) policy allows calls for medical appointments and transportation arrangements from their office. Their 1998 phone charges were over \$5,000.

The CHRs believe they could provide better service to the community if all community members had telephones to call for emergency medical services when needed. The CHRs have satellite-driven pagers, which can be reached at any time by those who have phone service.

### Fire Protection Services

Like rural communities everywhere, Picuris Pueblo is served by a volunteer fire department. As previously mentioned, not all our volunteer firefighters have telephone service. One family, the Snakes, lost their home and everything they owned in a fire just three days after this last Christmas. Critical time was lost as people went door-to-door gathering firefighters. Ironically, the Christmas tree was practically the only thing to survive the fire, being only singed.

The fire was caused by faulty wiring in HUD housing. Many other families live in identical homes built by the same contractor at the same time. Luckily, no one was hurt in the Snake family's fire; next time, our community might not be so lucky. Of those families, several have experienced similar problems to those experienced by the Snake family before their house burned down - flickering lights, sparks occasionally emitted from wall plugs, exceptionally short light bulb life, and the like. I recognize that FCC has no authority to correct defects in federally-built housing. This matter is described in my testimony to emphasize the profound distress our community feels regarding public safety issues.

### 9-1-1 Emergency Service

Residential phone bills are high, and poverty is common in our area. For Indians and non-Indians combined, *per capita* income is only half that for New Mexico as a whole, itself ranked 48<sup>th</sup> in the nation. With so many calls being long distance, some households opt for long distance blocking, to keep basic phone service within the family budget. 9-1-1 rings to Taos, outside the local calling area. 9-1-1 cannot be reached by those with blocks. There is strong interest in expanding the local calling area — for this and other reasons.

### Day Care Center

Our Tribal Day Care Center has a telephone, but not all the families who children use the center's services have telephone service. Occasionally, when a problem arises with a child, a staff member has to go to home in person because they can't call. This leaves the Center inadequately staffed while they are gone.

### Financial Management

Increasingly, governmental funding programs are requiring on-line financial reporting and money transfers as a condition of funding. Our Accounting Department needs a dedicated data line for this purpose, but no lines are available. Until the time such a line becomes available, we are not eligible to apply for funding from sources which carry these restrictions. More such restrictions are expected to be upcoming.

It is worth noting that the one small bank branch in our area closed its doors last year because there wasn't enough money for them. Thus, all banking services are 30 miles — and a long distance call — away.

### Environment Department

Our tribal administration building is overcrowded, with a much-needed community meeting room given over to the Environment Department. We have secured a trailer for them to move into. But they cannot do so until at least 4 phone lines are available for their 11 staff members. At minimum, they need fax, data and two voice lines. They placed an order for a dedicated data line in May 1997 to satisfy EPA's requirement for Internet use (a condition of funding). That order has yet to be filled. Last week, we learned that U.S. West, our local service provider, has not even maintained a record of that order. The Environment Department share of telephone costs comes to \$500 monthly.

### Other Programs without Telephone Service

Some programs, such as Substance Abuse, Tribal Library, Forestry Crew and Bison Herd have not been able to get any phone in their buildings, or do not have any office space. Those staff make business calls from their homes, or try and catch an open line in the Tribal Administration Building. Similarly, service entities like the Public Utility Board, White Buffalo Enterprise Board (overseeing the Hotel Santa Fe partnership enterprise) and Arts & Crafts Committee (who organize the annual Picuris Tri-Cultural Arts & Crafts Fair, 4<sup>th</sup> of July weekend) are dependent on the four voice lines to the Tribal Administration Building for both outgoing calls and incoming messages. Phone use by Tribal Councilmen contributes to demand on our over-loaded system.

### School District Problems

Our children attend the Peñasco Public Schools, which serve about a dozen small mountain villages. Not all those villages are in the same local calling area. Thus, it can be a long distance call for a schoolchild to contact a classmate about a homework assignment or a basketball game. Recently, the school nurse was met by persistent busy signals while trying to notify one of our staff members that her 7-year-old had taken ill.

### Thol-Pit-Tah ("Sun Center") Community Center

We are currently in Phase Two Construction (of five) for our Thol-Pit-Tah (Sun Center) Community Center. That facility will not be able to fully provide the services planned - Holistic Healing Center, Classrooms, Arts & Crafts facilities, Office Space, Pre-School, Swimming Pool - until such time as phone lines become available. This facility, which already houses a busy gymnasium, needs a pay phone.

### Business & Community Development

Business and community development are held back due to the lack of available phone service. There are few businesses indeed which can be established and run without phone service.

### Forestry

The U.S. Forest Service administers much of the traditional lands of Picuris Pueblo. In the beginning of this century, those lands were heavily clearcut for railroad ties. At present, there are many areas of dense "dog hair" stands of young trees in serious need of thinning. Picuris Pueblo and the Carson National Forest are developing a partnership for thinning projects (and other work such as erosion control, fencing and trail maintenance). We would like to consider opening a small woodlot to sell products from what is cut. Unfortunately, until phone lines become available, that project has to be kept on hold.

### Sustainable Agriculture

Picuris has made a commitment to improve public health and the local economy by producing more traditional foods in a tribal agriculture program. We have identified several good market niches for these products. However, active marketing — both on the Internet and general dealings with customers

— is difficult to maintain without a telephone line, especially when dealing with perishable products. This project expects to experience an acute need for telephone service in the near future.

### RV Park

Picuris Pueblo, the most elevated of all the Pueblos, is usually at a comfortable temperature during the hottest summer months. We believe there is a market niche for an RV Park & related amenities in our area, and have drawn up plans to build one. The lack of phone service is a major obstacle to progress on this economic development project.

### Participatory Visitorship

Picuris has, at present, adopted a visitor policy which stresses participatory visitorship programs. This is a deliberate strategy, which casts tribal members as teachers, guides and peers, rather than in more servant-like roles in resorts. For example, elder hostel and church groups have contributed to the restoration of the adobe San Lorenzo Spanish Mission Church. Participants in a Permaculture Design Course last summer worked on erosion control, food production and landscaping projects throughout the village. Minimal amenities, like showers and a pay telephone, contribute to the success of such projects. We have showers in the recently completed gym. There is no line currently available for installation of a pay phone.

### The Role of the Internet

The shortage of phone lines in the Tribal Administrative Building is aggravated by the arrival of the Internet. Two of our four lines have Net access, although the quality of the connection is not particularly good. Too often, Internet use leaves only two lines to cover all voice calls. Some federal agencies already require Internet use as a condition of funding. More such restrictions are coming.

Picuris is a very small community, and during much of the year, two-lane mountain roads connecting us to the outer world can be treacherous. We appreciate that the Internet allows us to take care of things from the village — such as bank transactions — that might otherwise take us away from home. However, Internet use is badly crowding our voice communications. One family



has stated an interest in getting a second line in their home for Net use. If a supply were available, additional demand might arise.

#### Tribal Library & Internet Lab

We would like to renovate our abandoned BIA one-room schoolhouse to include the Tribal Library with a computer lab for Internet access. That will require about 10 phone lines. Bill Gates (and others) have earmarked funds to get rural libraries on-line. In the absence of available phone service, we aren't eligible to apply for such assistance, which is supposed to be targeted to communities like ours.

#### Tutoring

We have a tutoring program, where older students with good academic records help younger children learn their lessons. We look forward to the day when the library/internet lab is up-and-running, so the Internet can be added as a resource for after-school educational activities for our youth.

#### Local Service Provider - U.S. West

U.S. West assesses needs solely based on placed orders. They don't consider those who don't bother to place an order, knowing none is available. They don't take into account projects not initiated because they can't be implemented without phone service.

#### Exploring New & Innovative Service Options

Others in our region have problems similar to ours. Taos County is twice the land area of Rhode Island, but with only 3% the population. We'd like to explore opportunities for tribal economic development of phone services. We're interested in wireless technologies to bypass excavation in sensitive areas. We have a proven location for a tower. It is leased by a local radio station for their transmitter, which is powered exclusively by solar energy. That station transmits clearly to several local areas — including our village — not covered by any other tower.

#### Summary

Phone service to Picuris Pueblo is inadequate to our needs — or not available at all. New conventional phone service cannot be installed, because no lines are available. We have sensitive archaeological and traditional use areas which

we wish to protect from excavation. Cellular service is not an option at present, because there is no coverage in our mountain valley. Finally, we would like our local calling area to be expanded so those without long-distance capabilities on their phones can reach all emergency services with a local call.

Our quest for additional phone service is not a request for a hand-out. In 1998, tribal government spent nearly \$30,000 on phone charges — making us one of the largest phone customers in the county — hardly a charity case.

Picuris cannot assure public safety and a satisfactory quality of life for our people without adequate telecommunications infrastructure. We look forward to working with US West, or anyone else interested in finding appropriate and profitable solutions to our telephone service problems. We need the support and advice of the FCC and the US Government to reach our goals. Please accept my invitation to visit the Pueblo of Picuris to gain a fuller understanding of our situation.

Thank you Mr. Chairman, Commissioner Tristani, Congressman Udall, Congresswoman Wilson and others for providing the opportunity to share something of the challenges we face at Picuris Pueblo.

Final Note

Two days before this hearing, we received a list of questions the FCC would like answers to. We did not have time to prepare answers to all those questions in time for the hearing. Those will be prepared and submitted within the 30-day period for additional testimony.